

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PARLER LLC,

Plaintiff,

v.

AMAZON WEB SERVICES, INC., and  
AMAZON.COM, INC.,

Defendants.

No. 2:21-cv-00270-BJR

AMAZON'S SUPPLEMENTAL  
STATEMENT OPPOSING  
REMAND

## I. INTRODUCTION

Time and time again, Parler refused to turn over the trust instrument needed to determine its citizenship. And now we know why. [REDACTED]

## II. BACKGROUND

### A. Delaware Trust Law

“A trust, by definition, grants to nonparties ownership rights and control over property, while cutting off control by the grantor.” *Husband C. v. Wife C.*, 391 A.2d 745, 746 (Del. 1978). Unless the trust instrument provides otherwise, a trustee has “all of the powers over trust property that a legally competent, unmarried individual has with respect to individually owned property.” Restatement (Third) of Trusts § 85 (2007) (June 2021 update); *see also* Bogert’s The Law of Trusts & Trustees § 551 (3d ed. rev. 2006) (June 2021 update) (trustee’s powers include those “a prudent man would exercise to accomplish the trust purposes”). As Delaware courts recognize, a “traditional trust” is one in “which the trustee has discretionary authority over the trust corpus.” *J.P. Morgan Tr. Co. of Del. v. Fisher*, 2021 WL 2407858, at \*4 (Del. Ch. June 14, 2021).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

[REDACTED]

**B. The Rebekah Mercer 2020 Irrevocable Trust**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

[REDACTED]

**III. ARGUMENT**

[REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

[REDACTED]

[REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

[REDACTED]

[REDACTED]

[REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] the Court should deny Parler's motion for remand.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 DATED this 22nd day of July, 2021.

2 Davis Wright Tremaine LLP  
3 Attorneys for Defendants Amazon Web  
4 Services, Inc. and Amazon.com, Inc.

5 By s/ Ambika Kumar

6 Ambika Kumar, WSBA #38237  
7 Robert E. Miller, WSBA #46507  
8 Caesar Kalinowski, WSBA #52650  
9 920 Fifth Avenue, Suite 3300  
10 Seattle, WA 98104-1610  
11 Telephone: 206-622-3150  
12 E-mail: [AmbikaKumar@dwt.com](mailto:AmbikaKumar@dwt.com)  
13 [RobertMiller@dwt.com](mailto:RobertMiller@dwt.com)  
14 [CaesarKalinowski@dwt.com](mailto:CaesarKalinowski@dwt.com)

15 Alonzo Wickers IV (*pro hac vice*)  
16 865 S. Figueroa Street, Suite 2400  
17 Los Angeles, CA 90017  
18 Telephone: 213-633-6800  
19 E-mail: [AlonzoWickers@dwt.com](mailto:AlonzoWickers@dwt.com)  
20  
21  
22  
23  
24  
25  
26  
27

**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record have been served a true and correct copy of the foregoing *Supplemental Statement Opposing Remand* by electronic mail through the Court's ECF Notifications to the following:

Angelo J. Calfo, WSBA# 27079  
CALFO EAKES LLP  
1301 Second Avenue, Suite 2800  
Seattle, WA 98101  
Email: [angeloc@calfoeakes.com](mailto:angeloc@calfoeakes.com)

David J. Groesbeck, WSBA No. 24749  
DAVID J. GROESBECK, P.S.  
1333 E. Johns Prairie Rd.  
Shelton, WA 98584  
Email: [david@groesbecklaw.com](mailto:david@groesbecklaw.com)

DATED this 30th day of July, 2021.

Davis Wright Tremaine LLP  
Attorney for Defendants

By s/ Ambika Kumar  
Ambika Kumar, WSBA #38237